

SENATE MOTION

MR. PRESIDENT:

I move that House Bill 1001(ss) be amended to read as follows:

- 1 Page 11, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 10. IC 4-33-1-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article
4 applies only to the following:
5 (1) Counties contiguous to Lake Michigan.
6 (2) Counties contiguous to the Ohio River.
7 (3) ~~Counties contiguous to Patoka Lake.~~ **A historic district that:**
8 **(A) is established under IC 36-7-11;**
9 **(B) is located in a county having a population of more than**
10 **nineteen thousand three hundred (19,300) but less than**
11 **twenty thousand (20,000); and**
12 **(C) consists solely of the real property owned by the**
13 **historic resort hotels located in:**
14 **(i) a town having a population of more than one**
15 **thousand five hundred (1,500) but less than two**
16 **thousand two hundred (2,200); and**
17 **(ii) a town having a population of less than one thousand**
18 **five hundred (1,500).**
19 SECTION 11. IC 4-33-2-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Dock" means
21 the location where ~~an excursion~~ a riverboat moors for the purpose of
22 embarking passengers for and disembarking passengers from a
23 ~~gambling excursion.~~ **the riverboat.**
24 SECTION 12. IC 4-33-2-11.5 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. "Historic resort hotel"**
27 **means a structure originally built as a hotel that contained at least**
28 **three hundred (300) sleeping rooms on or before January 1, 1930.**
29 SECTION 13. IC 4-33-2-13.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. "Licensed operating**
 3 **agent" means a person licensed under IC 4-33-6.5 to operate a**
 4 **riverboat in a historic district described in IC 4-33-1-1(3) on behalf**
 5 **of the district's historic preservation commission.**

6 SECTION 14. IC 4-33-2-14.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. "Operating agent's**
 9 **license" means a license issued under IC 4-33-6.5 that allows a**
 10 **person to operate a riverboat in a historic district described in**
 11 **IC 4-33-1-1(3) on behalf of the district's historic preservation**
 12 **commission.**

13 SECTION 15. IC 4-33-2-15.7 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 15.7. "Permanently moored**
 16 **vessel" means a vessel located in a historic district described in**
 17 **IC 4-33-1-1(3) on which lawful gambling is authorized and licensed**
 18 **under this article. The term does not include a barge.**

19 SECTION 16. IC 4-33-2-16 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. "Person" means
 21 an individual, a sole proprietorship, a partnership, an association, a
 22 fiduciary, a corporation, a limited liability company, **a historic district,**
 23 or any other business entity.

24 SECTION 17. IC 4-33-2-17 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. "Riverboat"
 26 means **either of the following on which lawful gambling is**
 27 **authorized under this article:**

28 (1) A self-propelled ~~excursion~~ boat located in a county described
 29 in ~~IC 4-33-1-1~~ on which lawful gambling is authorized and
 30 licensed under this article: **IC 4-33-1-1(1) or IC 4-33-1-1(2) that**
 31 **complies with IC 4-33-6-6(a).**

32 (2) **A permanently moored vessel located in a historic district**
 33 **described in IC 4-33-1-1(3).**

34 SECTION 18. IC 4-33-4-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The commission
 36 shall adopt rules under IC 4-22-2 for the following purposes:

37 (1) Administering this article.

38 (2) Establishing the conditions under which riverboat gambling
 39 in Indiana may be conducted.

40 (3) Providing for the prevention of practices detrimental to the
 41 public interest and providing for the best interests of riverboat
 42 gambling.

43 ~~(4) With respect to riverboats that operate on Patoka Lake,~~
 44 ~~ensuring:~~

45 ~~(A) the prevention of practices detrimental to the natural~~
 46 ~~environment and scenic beauty of Patoka Lake; and~~

47 ~~(B) compliance by licensees and riverboat patrons with the~~

- 1 requirements of ~~IC 14-26-2-5~~ and ~~IC 14-28-1~~.
- 2 ~~(5)~~ **(4)** Establishing rules concerning inspection of riverboats and
- 3 the review of the permits or licenses necessary to operate a
- 4 riverboat.
- 5 ~~(6)~~ **(5)** Imposing penalties for noncriminal violations of this
- 6 article.
- 7 **(6) Establishing ethical standards regulating the conduct of**
- 8 **members of a historic preservation commission established**
- 9 **under IC 36-7-11-4.5 with regard to the selection and**
- 10 **licensure of an operating agent to operate a riverboat in a**
- 11 **historic district described in IC 4-33-1-1(3).**
- 12 SECTION 19. IC 4-33-4-3, AS AMENDED BY P.L.14-2000,
- 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]: Sec. 3. (a) The commission shall do the following:
- 15 (1) Adopt rules that the commission determines necessary to
- 16 protect or enhance the following:
- 17 (A) The credibility and integrity of gambling operations
- 18 authorized by this article.
- 19 (B) The regulatory process provided in this article.
- 20 ~~(C) The natural environment and scenic beauty of Patoka~~
- 21 ~~Lake.~~
- 22 (2) Conduct all hearings concerning civil violations of this article.
- 23 (3) Provide for the establishment and collection of license fees
- 24 and taxes imposed under this article.
- 25 (4) Deposit the license fees and taxes in the state gaming fund
- 26 established by IC 4-33-13.
- 27 (5) Levy and collect penalties for noncriminal violations of this
- 28 article.
- 29 (6) Deposit the penalties in the state gaming fund established by
- 30 IC 4-33-13.
- 31 (7) Be present through the commission's inspectors and agents
- 32 during the time gambling operations are conducted on a riverboat
- 33 to do the following:
- 34 (A) Certify the revenue received by a riverboat.
- 35 (B) Receive complaints from the public.
- 36 (C) Conduct other investigations into the conduct of the
- 37 gambling games and the maintenance of the equipment that
- 38 the commission considers necessary and proper.
- 39 ~~(D) With respect to riverboats that operate on Patoka Lake,~~
- 40 ~~ensure compliance with the following:~~
- 41 ~~(i) IC 14-26-2-6.~~
- 42 ~~(ii) IC 14-26-2-7.~~
- 43 ~~(iii) IC 14-28-1.~~
- 44 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
- 45 commission determines that:
- 46 (A) the need for a rule is so immediate and substantial that
- 47 rulemaking procedures under IC 4-22-2-13 through

1 IC 4-22-2-36 are inadequate to address the need; and
 2 (B) an emergency rule is likely to address the need.

3 (b) The commission shall begin rulemaking procedures under
 4 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
 5 under subsection (a)(8) not later than thirty (30) days after the adoption
 6 of the emergency rule under subsection (a)(8).

7 SECTION 20. IC 4-33-4-10 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **This**
 9 **section does not apply to a riverboat located in a county having a**
 10 **population of more than nineteen thousand three hundred (19,300)**
 11 **but less than twenty thousand (20,000).**

12 (b) The commission shall authorize the route of a riverboat and the
 13 stops, if any, that the riverboat may make.

14 SECTION 21. IC 4-33-4-13 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) **This**
 16 **section does not apply to a riverboat located in a county having a**
 17 **population of more than nineteen thousand three hundred (19,300)**
 18 **but less than twenty thousand (20,000).**

19 (b) After consulting with the United States Army Corps of
 20 Engineers, the commission may do the following:

21 (1) Determine the waterways that are navigable waterways for
 22 purposes of this article.

23 (2) Determine the navigable waterways that are suitable for the
 24 operation of riverboats under this article.

25 ~~(b)~~ (c) In determining the navigable waterways on which riverboats
 26 may operate, the commission shall do the following:

27 (1) Obtain any required approvals from the United States Army
 28 Corps of Engineers for the operation of riverboats on those
 29 waterways.

30 (2) Consider the economic benefit that riverboat gambling
 31 provides to Indiana.

32 (3) Seek to ensure that all regions of Indiana share in the
 33 economic benefits of riverboat gambling.

34 ~~(4)~~ Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1,
 35 conduct a feasibility study concerning:

36 ~~(A)~~ the environmental impact of the navigation and docking of
 37 riverboats upon Patoka Lake; and

38 ~~(B)~~ the impact of the navigation and docking of riverboats
 39 upon the scenic beauty of Patoka Lake.

40 SECTION 22. IC 4-33-4-15 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The
 42 commission shall annually do the following:

43 (1) Review the patterns of wagering and wins and losses by
 44 persons on riverboat gambling operations under this article.

45 (2) Make recommendations to the governor and the general
 46 assembly concerning whether limits on wagering losses should be
 47 imposed.

1 ~~(3) Examine the impact on the natural environment and scenic~~
 2 ~~beauty of Patoka Lake made by the navigation and docking of~~
 3 ~~riverboats.~~

4 SECTION 23. IC 4-33-6-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The
 6 commission may issue to a person a license to own one (1) riverboat
 7 subject to the numerical and geographical limitation of owner's licenses
 8 under this section, and IC 4-33-4-17. However, not more than eleven
 9 (11) owner's licenses may be in effect at any time. Except as provided
 10 in subsection (b), those eleven (11) licenses are as follows:

11 (1) Two (2) licenses for a riverboat that operates from the largest
 12 city located in the counties described under IC 4-33-1-1(1).

13 (2) One (1) license for a riverboat that operates from the second
 14 largest city located in the counties described under
 15 IC 4-33-1-1(1).

16 (3) One (1) license for a riverboat that operates from the third
 17 largest city located in the counties described under
 18 IC 4-33-1-1(1).

19 (4) One (1) license for a city located in the counties described
 20 under IC 4-33-1-1(1). This license may not be issued to a city
 21 described in subdivisions (1) through (3).

22 (5) A total of five (5) licenses for riverboats that operate upon the
 23 Ohio River from counties described under IC 4-33-1-1(2). The
 24 commission may not issue a license to an applicant if the issuance
 25 of the license would result in more than one (1) riverboat
 26 operating from a county described in IC 4-33-1-1(2).

27 (6) One (1) license for a riverboat that operates ~~upon Patoka Lake~~
 28 ~~from a county in a historic district~~ described under
 29 IC 4-33-1-1(3).

30 (b) If a city described in subsection (a)(2) or (a)(3) conducts two (2)
 31 elections under section 20 of this chapter and the voters of the city do
 32 not vote in favor of permitting riverboat gambling at either of those
 33 elections, the license assigned to that city under subsection (a)(2) or
 34 (a)(3) may be issued to any city that:

35 (1) does not already have a riverboat operating from the city; and

36 (2) is located in a county described in IC 4-33-1-1(1).

37 SECTION 24. IC 4-33-6-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person
 39 applying for an owner's license under this chapter must pay a
 40 nonrefundable application fee to the commission. The commission
 41 shall determine the amount of the application fee. **However, the**
 42 **historic district described in IC 4-33-1-1(3) or a member of the**
 43 **district's historic preservation commission is not required to pay**
 44 **the fee charged under this subsection.**

45 (b) An applicant must submit the following on forms provided by
 46 the commission:

47 (1) If the applicant is an individual, two (2) sets of the individual's

1 fingerprints.

2 (2) If the applicant is not an individual, two (2) sets of fingerprints
3 for each officer and director of the applicant.

4 (c) The commission shall review the applications for an owner's
5 license under this chapter and shall inform each applicant of the
6 commission's decision concerning the issuance of the owner's license.

7 (d) The costs of investigating an applicant for an owner's license
8 under this chapter shall be paid from the application fee paid by the
9 applicant.

10 (e) An applicant for an owner's license under this chapter must pay
11 all additional costs that are:

- 12 (1) associated with the investigation of the applicant; and
13 (2) greater than the amount of the application fee paid by the
14 applicant.

15 **(f) The commission shall recoup all the costs associated with**
16 **investigating or reinvestigating an applicant that is a member of a**
17 **historic preservation commission described in subsection (a) by**
18 **imposing a special investigation fee upon the historic preservation**
19 **commission's licensed operating agent.**

20 SECTION 25. IC 4-33-6-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) This section**
22 **does not apply to a riverboat located in a historic district described**
23 **in IC 4-33-1-1(3).**

24 **(b)** In an application for an owner's license, the applicant must state
25 the dock at which the riverboat is based and the navigable waterway on
26 which the riverboat will operate.

27 SECTION 26. IC 4-33-6-6 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A riverboat
29 that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2)
30 must:

- 31 (1) have a valid certificate of inspection from the United States
32 Coast Guard for the carrying of at least five hundred (500)
33 passengers; and
34 (2) be at least one hundred fifty (150) feet in length.

35 **(b)** A riverboat that operates ~~on Patoka Lake~~ **in a county described**
36 **under IC 4-33-1-1(3)** must:

- 37 (1) have the capacity to carry at least five hundred (500)
38 passengers;
39 (2) be at least one hundred fifty (150) feet in length; and
40 (3) meet safety standards required by the commission.

41 (c) This subsection applies only to a riverboat that operates on the
42 Ohio River. A riverboat must replicate, as nearly as possible, historic
43 Indiana steamboat passenger vessels of the nineteenth century.
44 However, steam propulsion or overnight lodging facilities are not
45 required under this subsection.

46 SECTION 27. IC 4-33-6-8 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. If the

1 commission determines that a person is eligible under this chapter for
 2 an owner's license, the commission may issue an owner's license to the
 3 person if:

- 4 (1) the person pays an initial license fee of twenty-five thousand
 5 dollars (\$25,000); and
- 6 (2) the person posts a bond as required in section 9 of this
 7 chapter.

8 **However, the historic district described in IC 4-33-1-1(3) or a**
 9 **member of the district's historic preservation commission is not**
 10 **required to pay the fee charged under this section.**

11 SECTION 28. IC 4-33-6-9 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Except as**
 13 **provided in subsection (I)**, a licensed owner must post a bond with the
 14 commission at least sixty (60) days before the commencement of
 15 ~~regular gambling on the riverboat. excursions.~~

16 (b) The bond shall be furnished in:

- 17 (1) cash or negotiable securities;
- 18 (2) a surety bond:
 - 19 (A) with a surety company approved by the commission; and
 - 20 (B) guaranteed by a satisfactory guarantor; or
- 21 (3) an irrevocable letter of credit issued by a banking institution
 22 of Indiana acceptable to the commission.

23 (c) If a bond is furnished in cash or negotiable securities, the
 24 principal shall be placed without restriction at the disposal of the
 25 commission, but income inures to the benefit of the licensee.

26 (d) The bond:

- 27 (1) is subject to the approval of the commission;
- 28 (2) must be in an amount that the commission determines will
 29 adequately reflect the amount that a local community will expend
 30 for infrastructure and other facilities associated with a riverboat
 31 operation; and
- 32 (3) must be payable to the commission as obligee for use in
 33 payment of the licensed owner's financial obligations to the local
 34 community, the state, and other aggrieved parties, as determined
 35 by the rules of the commission.

36 (e) If after a hearing (after at least five (5) days written notice) the
 37 commission determines that the amount of a licensed owner's bond is
 38 insufficient, the licensed owner shall upon written demand of the
 39 commission file a new bond.

40 (f) The commission may require a licensed owner to file a new bond
 41 with a satisfactory surety in the same form and amount if:

- 42 (1) liability on the old bond is discharged or reduced by judgment
 43 rendered, payment made, or otherwise; or
- 44 (2) in the opinion of the commission any surety on the old bond
 45 becomes unsatisfactory.

46 (g) If a new bond obtained under subsection (e) or (f) is
 47 unsatisfactory, the commission shall cancel the owner's license. If the

1 new bond is satisfactorily furnished, the commission shall release in
 2 writing the surety on the old bond from any liability accruing after the
 3 effective date of the new bond.

4 (h) A bond is released on the condition that the licensed owner
 5 remains at the site for which the owner's license is granted for the
 6 lesser of:

7 (1) five (5) years; or

8 (2) the date the commission grants a license to another licensed
 9 owner to operate from the site for which the bond was posted.

10 (i) A licensed owner who does not meet the requirements of
 11 subsection (h) forfeits a bond filed under this section. The proceeds of
 12 a bond that is in default under this subsection are paid to the
 13 commission for the benefit of the local unit from which the riverboat
 14 operated.

15 (j) The total and aggregate liability of the surety on a bond is limited
 16 to the amount specified in the bond and the continuous nature of the
 17 bond may in no event be construed as allowing the liability of the
 18 surety under a bond to accumulate for each successive approval period
 19 during which the bond is in force.

20 (k) A bond filed under this section is released sixty (60) days after:

21 (1) the time has run under subsection (h); and

22 (2) a written request is submitted by the licensed owner.

23 **(l) The historic district described in IC 4-33-1-1(3) or a member**
 24 **of the district's historic preservation commission is not required to**
 25 **post the bond required under this section.**

26 SECTION 29. IC 4-33-6-11 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The
 28 commission may revoke a owner's license if:

29 (1) the licensee begins regular ~~riverboat excursions~~ **operations**
 30 more than twelve (12) months after receiving the commission's
 31 approval of the application for the license; and

32 (2) the commission determines that the revocation of the license
 33 is in the best interests of Indiana.

34 SECTION 30. IC 4-33-6-12 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Unless the
 36 owner's license is terminated, expires, or is revoked, the owner's license
 37 may be renewed annually upon:

38 (1) the payment of a five thousand dollar (\$5,000) annual renewal
 39 fee; and

40 (2) a determination by the commission that the licensee satisfies
 41 the conditions of this article.

42 **However, the historic district described in IC 4-33-1-1(3) or a**
 43 **member of the district's historic preservation commission is not**
 44 **required to pay the fee charged under this section.**

45 (b) A licensed owner shall undergo a complete investigation every
 46 three (3) years to determine that the licensed owner remains in
 47 compliance with this article.

1 (c) Notwithstanding subsection (b), the commission may investigate
2 a licensed owner at any time the commission determines it is necessary
3 to ensure that the licensee remains in compliance with this article.

4 (d) The licensed owner shall bear the cost of an investigation or
5 reinvestigation of the licensed owner and any investigation resulting
6 from a potential transfer of ownership.

7 **(e) The commission shall recoup all of the costs associated with**
8 **investigating or reinvestigating a member of a historic**
9 **preservation commission described in subsection (a) by imposing**
10 **a special investigation fee upon the historic preservation**
11 **commission's licensed operating agent.**

12 SECTION 31. IC 4-33-6-19 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section
14 applies to:

15 (1) a county contiguous to the Ohio River;

16 ~~(2) a county contiguous to Patoka Lake;~~ and

17 ~~(3)~~ (2) a county contiguous to Lake Michigan that has a
18 population of less than four hundred thousand (400,000).

19 (b) Notwithstanding any other provision of this article, the
20 commission may not issue a license under this article to allow a
21 riverboat to operate in the county unless the voters of the county have
22 approved the conducting of gambling games on riverboats in the
23 county.

24 (c) If the docking of a riverboat in the county is approved by an
25 ordinance adopted under section 18 of this chapter, or if at least the
26 number of the registered voters of the county required under IC 3-8-6-3
27 for a petition to place a candidate on the ballot sign a petition submitted
28 to the circuit court clerk requesting that a local public question
29 concerning riverboat gaming be placed on the ballot, the county
30 election board shall place the following question on the ballot in the
31 county during the next general election:

32 "Shall licenses be issued to permit riverboat gambling in ____
33 County?".

34 (d) A public question under this section shall be placed on the ballot
35 in accordance with IC 3-10-9 and must be certified in accordance with
36 IC 3-10-9-3.

37 (e) The clerk of the circuit court of a county holding an election
38 under this chapter shall certify the results determined under
39 IC 3-12-4-9 to the commission and the department of state revenue.

40 (f) If a public question under this section is placed on the ballot in
41 a county and the voters of the county do not vote in favor of permitting
42 riverboat gambling under this article, a second public question under
43 this section may not be held in that county for at least two (2) years. If
44 the voters of the county vote to reject riverboat gambling a second time,
45 a third or subsequent public question under this section may not be
46 held in that county until the general election held during the tenth year
47 following the year that the previous public question was placed on the

1 ballot.

2 SECTION 32. IC 4-33-6-19.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) This section applies**
5 **to a county having a population of more than nineteen thousand**
6 **three hundred (19,300) but less than twenty thousand (20,000).**

7 (b) **The commission may issue only one (1) license under this**
8 **article to allow a riverboat to operate in the county within a**
9 **historic district established under IC 36-7-11.**

10 (c) **The commission may not issue a license under this article to**
11 **allow a riverboat to operate in the county unless the voters of:**

12 (1) **a town having a population of more than one thousand five**
13 **hundred (1,500) but less than two thousand two hundred**
14 **(2,200) located in the county; and**

15 (2) **a town having a population of less than one thousand five**
16 **hundred (1,500) located in the county;**
17 **have approved gambling on riverboats in the county.**

18 (d) **If at least the number of registered voters of the town**
19 **required under IC 3-8-6-3 for a petition to place a candidate on the**
20 **ballot sign a petition submitted to the clerk of the circuit court**
21 **requesting that a local public question concerning riverboat**
22 **gambling be placed on the ballot, the county election board shall**
23 **place the following question on the ballot in the town described in**
24 **subsection (c) during the next primary or general election or a**
25 **special election held under this section:**

26 "Shall a license be issued to allow riverboat gambling in the
27 town of _____?"

28 (e) **A public question under this section shall be placed on the**
29 **ballot in accordance with IC 3-10-9.**

30 (f) **If a public question is placed on the ballot under this section**
31 **and the voters of the town do not vote in favor of allowing**
32 **riverboat gambling under IC 4-33, another public question**
33 **regarding riverboat gambling may not be held in the town for at**
34 **least two (2) years.**

35 (g) **In a special election held under this section:**

36 (1) **IC 3 applies, except as otherwise provided in this section;**
37 **and**

38 (2) **at least as many precinct polling places as were used in the**
39 **towns described in subsection (c) during the most recent**
40 **municipal election must be used for the special election.**

41 (h) **The clerk of the circuit court of a county holding an election**
42 **under this section shall certify the results determined under**
43 **IC 3-12-4-9 to the commission and the department of state revenue.**

44 SECTION 33. IC 4-33-6.5 IS ADDED TO THE INDIANA CODE
45 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
46 UPON PASSAGE]:

47 **Chapter 6.5. Riverboat Operating Agent's License**
48 **Sec. 1. This chapter applies only to a riverboat operated under**

1 a license described in IC 4-33-6-1(a)(6).

2 **Sec. 2. (a) A person applying for an operating agent's license**
3 **under this chapter must pay a nonrefundable application fee to the**
4 **commission. The commission shall determine the amount of the**
5 **application fee.**

6 **(b) An applicant must submit the following on forms provided**
7 **by the commission:**

8 **(1) If the applicant is an individual, two (2) sets of the**
9 **individual's fingerprints.**

10 **(2) If the applicant is not an individual, two (2) sets of**
11 **fingerprints for each officer and director of the applicant.**

12 **(c) The commission shall review the applications for a license**
13 **under this chapter and shall inform each applicant of the**
14 **commission's decision concerning the issuance of the license.**

15 **(d) The costs of investigating an applicant for a license under**
16 **this chapter shall be paid from the application fee paid by the**
17 **applicant.**

18 **(e) An applicant for a license under this chapter must pay all**
19 **additional costs that are:**

20 **(1) associated with the investigation of the applicant; and**

21 **(2) greater than the amount of the application fee paid by the**
22 **applicant.**

23 **Sec. 3. The commission may not issue an operating agent's**
24 **license under this chapter to a person if:**

25 **(1) the person has been convicted of a felony under Indiana**
26 **law, the laws of any other state, or laws of the United States;**

27 **(2) the person has knowingly or intentionally submitted an**
28 **application for a license under this chapter that contains false**
29 **information;**

30 **(3) the person is a member of the commission;**

31 **(4) the person is an officer, a director, or a managerial**
32 **employee of a person described in subdivision (1) or (2);**

33 **(5) the person employs an individual who:**

34 **(A) is described in subdivision (1), (2), or (3); and**

35 **(B) participates in the management or operation of**
36 **gambling operations authorized under this article;**

37 **(6) the person owns an ownership interest of more than the**
38 **total amount of ownership interests permitted under**
39 **IC 4-33-6-3.5; or**

40 **(7) a license issued to the person:**

41 **(A) under this article; or**

42 **(B) to own or operate gambling facilities in another**
43 **jurisdiction;**
44 **has been revoked.**

45 **Sec. 4. In determining whether to grant an operating agent's**
46 **license to an applicant, the commission shall consider the**
47 **following:**

48 **(1) The character, reputation, experience, and financial**

- 1 integrity of the following:
- 2 (A) The applicant.
- 3 (B) A person that:
- 4 (i) directly or indirectly controls the applicant; or
- 5 (ii) is directly or indirectly controlled by the applicant or
- 6 by a person that directly or indirectly controls the
- 7 applicant.
- 8 (2) The facilities or proposed facilities for the conduct of
- 9 riverboat gambling in a historic district described in
- 10 IC 4-33-1-1(3).
- 11 (3) The highest prospective total revenue to be collected by the
- 12 state from the conduct of riverboat gambling.
- 13 (4) The good faith affirmative action plan of each applicant to
- 14 recruit, train, and upgrade minorities in all employment
- 15 classifications.
- 16 (5) The financial ability of the applicant to purchase and
- 17 maintain adequate liability and casualty insurance.
- 18 (6) If the applicant has adequate capitalization to operate a
- 19 riverboat for the duration of the license.
- 20 (7) The extent to which the applicant exceeds or meets other
- 21 standards adopted by the commission.
- 22 **Sec. 5. If the commission determines that a person is eligible**
- 23 **under this chapter for an operating agent's license, the commission**
- 24 **may issue an operating agent's license to the person if:**
- 25 (1) the person pays an initial license fee of twenty-five
- 26 thousand dollars (\$25,000); and
- 27 (2) the person posts a bond as required in section 6 of this
- 28 chapter.
- 29 **Sec. 6. (a) A licensed operating agent must post a bond with the**
- 30 **commission at least sixty (60) days before the commencement of**
- 31 **regular riverboat operations in the historic district described in**
- 32 **IC 4-33-1-1(3).**
- 33 (b) The bond shall be furnished in:
- 34 (1) cash or negotiable securities;
- 35 (2) a surety bond:
- 36 (A) with a surety company approved by the commission;
- 37 and
- 38 (B) guaranteed by a satisfactory guarantor; or
- 39 (3) an irrevocable letter of credit issued by a banking
- 40 institution of Indiana acceptable to the commission.
- 41 (c) If a bond is furnished in cash or negotiable securities, the
- 42 principal shall be placed without restriction at the disposal of the
- 43 commission, but income inures to the benefit of the licensee.
- 44 (d) The bond:
- 45 (1) is subject to the approval of the commission; and
- 46 (2) must be payable to the commission as obligee for use in
- 47 payment of the riverboat's financial obligations to the local
- 48 community, the state, and other aggrieved parties, as

- 1 **determined by the rules of the commission.**
- 2 **(e) If after a hearing (after at least five (5) days written notice)**
- 3 **the commission determines that the amount of a licensed operating**
- 4 **agent's bond is insufficient, the operating agent shall, upon written**
- 5 **demand of the commission, file a new bond.**
- 6 **(f) The commission may require a licensed operating agent to**
- 7 **file a new bond with a satisfactory surety in the same form and**
- 8 **amount if:**
- 9 **(1) liability on the old bond is discharged or reduced by**
- 10 **judgment rendered, payment made, or otherwise; or**
- 11 **(2) in the opinion of the commission any surety on the old**
- 12 **bond becomes unsatisfactory.**
- 13 **(g) If a new bond obtained under subsection (e) or (f) is**
- 14 **unsatisfactory, the commission shall cancel the operating agent's**
- 15 **license. If the new bond is satisfactorily furnished, the commission**
- 16 **shall release in writing the surety on the old bond from any liability**
- 17 **accruing after the effective date of the new bond.**
- 18 **(h) A bond is released on the condition that the licensed**
- 19 **operating agent remains at the site of the riverboat operating**
- 20 **within a historic district:**
- 21 **(1) for five (5) years; or**
- 22 **(2) until the date the commission grants a license to another**
- 23 **operating agent to operate from the site for which the bond**
- 24 **was posted;**
- 25 **whichever occurs first.**
- 26 **(i) An operating agent who does not meet the requirements of**
- 27 **subsection (h) forfeits a bond filed under this section. The proceeds**
- 28 **of a bond that is in default under this subsection are paid to the**
- 29 **commission for the benefit of the local unit from which the**
- 30 **riverboat operated.**
- 31 **(j) The total liability of the surety on a bond is limited to the**
- 32 **amount specified in the bond, and the continuous nature of the**
- 33 **bond may not be construed as allowing the liability of the surety**
- 34 **under a bond to accumulate for each successive approval period**
- 35 **during which the bond is in force.**
- 36 **(k) A bond filed under this section is released sixty (60) days**
- 37 **after:**
- 38 **(1) the time specified under subsection (h); and**
- 39 **(2) a written request is submitted by the operating agent.**
- 40 **Sec. 7. (a) Unless the operating agent's license is terminated,**
- 41 **expires, or is revoked, the operating agent's license may be**
- 42 **renewed annually upon:**
- 43 **(1) the payment of a five thousand dollar (\$5,000) annual**
- 44 **renewal fee; and**
- 45 **(2) a determination by the commission that the licensee**
- 46 **satisfies the conditions of this article.**
- 47 **(b) An operating agent shall undergo a complete investigation**
- 48 **every three (3) years to determine that the operating agent remains**

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in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate an operating agent at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The operating agent shall bear the cost of an investigation or reinvestigation of the operating agent.

Sec. 8. A license issued under this chapter permits the holder to operate a riverboat on behalf of the licensed owner of the riverboat.

Sec. 9. An operating agent licensed under this chapter is charged with all the duties imposed upon a licensed owner under this article, including the collection and remission of taxes under IC 4-33-12 and IC 4-33-13.

SECTION 34. IC 4-33-9-2, AS AMENDED BY P.L.20-1995, SECTION 15, AND P.L.55-1995, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Sec. 2. (a) **This section does not apply to a riverboat located in a historic district described in IC 4-33-1-1(3).**

(b) Except as provided in subsections ~~(b)~~, (c) and ~~(c)~~, **(d)**, gambling may not be conducted while a riverboat is docked.

~~(b)~~ (c) If the master of the riverboat reasonably determines and certifies in writing that:

- (1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's passengers and crew;
- (2) either the vessel or the docking facility is undergoing mechanical or structural repair;
- (3) water traffic conditions present a danger to:
 - (A) the riverboat, riverboat passengers, and crew; or
 - (B) other vessels on the water; or
- (4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise;

the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

~~(c)~~ **(d)** The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.

SECTION 35. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An action to prosecute a crime occurring during a gambling excursion on a riverboat shall be tried in the county of the dock where the riverboat is based: located.".

Page 12, strike lines 41 through 42.

1 Page 13, strike lines 1 through 21, begin a new line block indented
2 and insert:

3 **"(1) Three dollars (\$3) of the admissions tax collected for each**
4 **person counted embarking on the riverboat during the**
5 **quarter shall be distributed as follows:**

6 (A) **Twenty-four percent (24%) to the state general fund.**

7 (B) **Thirty-five percent (35%) to the historic district**
8 **described in IC 4-33-1-1(3).**

9 (C) **Twenty-seven percent (27%) to be divided evenly**
10 **among the counties contiguous to Patoka Lake.**

11 (D) **Five percent (5%) to a town described in**
12 **IC 4-33-1-1(3)(C)(i).**

13 (E) **Five percent (5%) to a town described in**
14 **IC 4-33-1-1(3)(C)(ii).**

15 (F) **Two percent (2%) to the tourism commission of a town**
16 **described in IC 4-33-1-1(3)(C)(i).**

17 (G) **Two percent (2%) to the tourism commission of a town**
18 **described in IC 4-33-1-1(3)(C)(ii)."**

19 Page 13, line 22, delete "(6)" and insert "(2)".

20 Page 16, line 17, after "Sec. 5." insert **"(a) This subsection does not**
21 **apply to a riverboat located in a historic district described in**
22 **IC 4-33-1-1(3)."**

23 Page 16, between lines 40 and 41, begin a new paragraph and insert:

24 **"(b) This subsection applies only to a riverboat located in a**
25 **historic district described in IC 4-33-1-1(3). After funds are**
26 **appropriated under section 4 of this chapter, each year the**
27 **treasurer of state shall distribute the tax revenue deposited in the**
28 **state gaming fund under this chapter to the following:**

29 (1) **Twenty-four percent (24%) to the state general fund.**

30 (2) **Thirty-five percent (35%) to the historic district described**
31 **in IC 4-33-1-1(3).**

32 (3) **Twenty-seven percent (27%) to be divided evenly among**
33 **the counties contiguous to Patoka Lake.**

34 (4) **Five percent (5%) to a town described in**
35 **IC 4-33-1-1(3)(C)(i).**

36 (5) **Five percent (5%) to a town described in**
37 **IC 4-33-1-1(3)(C)(ii).**

38 (6) **Two percent (2%) to the tourism commission of a town**
39 **described in IC 4-33-1-1(3)(C)(i).**

40 (7) **Two percent (2%) to the tourism commission of a town**
41 **described in IC 4-33-1-1(3)(C)(ii).**

42 **The treasurer of state shall distribute the amounts that are**
43 **required to be paid under this subsection on a monthly basis.**

44 SECTION 13. IC 4-33-13-6 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Money paid to a
46 unit of local government under this chapter:

47 (1) must be paid to the fiscal officer of the unit and may be

1 deposited in the unit's general fund or riverboat fund established
 2 under IC 36-1-8-9, or both;
 3 (2) may not be used to reduce the unit's maximum or actual levy
 4 under IC 6-1.1-18.5; and
 5 (3) may be used for any legal or corporate purpose of the unit,
 6 including the pledge of money to bonds, leases, or other
 7 obligations under IC 5-1-14-4.

8 (b) This chapter does not prohibit the city or county designated as
 9 the home dock of the riverboat from entering into agreements with
 10 other units of local government in Indiana or in other states to share the
 11 city's or county's part of the tax revenue received under this chapter.

12 (c) **Money paid by the treasurer of state under section 5(b)(6)**
 13 **and 5(b)(7) of this chapter must be used only for the tourism**
 14 **promotion, advertising, and economic development activities of the**
 15 **respective towns.**

16 SECTION 14. IC 4-33-16 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]:

19 **Chapter 16. Gambling Operations in a Historic District**

20 **Sec. 1. This chapter applies only to a historic district described**
 21 **in IC 4-33-1-1(3) and established under IC 36-7-11-4.5.**

22 **Sec. 2. As used in this chapter, "district" refers to the historic**
 23 **district established under IC 36-7-11-4.5.**

24 **Sec. 3. As used in this chapter, "historic preservation**
 25 **commission" refers to the historic preservation commission**
 26 **established under IC 36-7-11-4.5.**

27 **Sec. 4. As used in this chapter, "operating expenses" means the**
 28 **following:**

29 (1) **Money spent by the historic preservation commission in**
 30 **the exercise of the historic preservation commission's powers**
 31 **under this article, IC 36-7-11-23, and IC 36-7-11-24 as limited**
 32 **by section 5 of this chapter.**

33 (2) **Management fees paid to the riverboat's licensed**
 34 **operating agent.**

35 **Sec. 5. A riverboat authorized under this article for a historic**
 36 **district described in IC 4-33-1-1(3) must be located on real**
 37 **property located in the district between the two (2) historic resort**
 38 **hotels.**

39 **Sec. 6. The commission shall grant an owner's license to the**
 40 **historic preservation commission upon the fulfillment of the**
 41 **following requirements:**

42 (1) **Riverboat gaming is approved in a public question in each**
 43 **of the towns in which the district is located.**

44 (2) **The commission completes the investigations required**
 45 **under IC 4-33-6.**

46 **Sec. 7. The historic preservation commission shall contract with**
 47 **another person to operate a riverboat located in the district. The**
 48 **person must be a licensed operating agent under IC 4-33-6.5.**

1 **Sec. 8. The net income derived from the riverboat after the**
2 **payment of all operating expenses shall be deposited in the**
3 **community trust fund established by IC 36-7-11.4-4.**

4 **Sec. 9. After deducting any tax revenue received under**
5 **IC 4-33-12 and IC 4-33-13 that:**

- 6 **(1) is expended by the historic preservation commission to**
- 7 **carry out the historic preservation commission's duties and**
- 8 **powers under this article, IC 36-7-11-3, and IC 36-7-11-24; or**
- 9 **(2) is pledged to bonds, leases, or other obligations under**
- 10 **IC 5-1-14-4;**

11 **the historic preservation commission shall deposit the remaining**
12 **tax revenue in the community trust fund established by**
13 **IC 36-7-11.4-4.**

14 **Sec. 10. (a) As used in this section, "electronic gaming device"**
15 **has the meaning set forth in 68 IAC 1-1-29.**

16 **(b) As used in this section, "live gaming device" has the meaning**
17 **set forth in 68 IAC 1-1-59.**

18 **(c) The licensed owner of a riverboat located in the historic**
19 **district may not install more than five hundred (500) electronic**
20 **gaming devices on board the riverboat.**

21 **(d) This section does not limit the number of live gaming devices**
22 **that the licensed owner may install on board the riverboat."**

23 Page 173, between lines 9 and 10, begin a new paragraph and insert:

24 SECTION 155. IC 36-7-11-4.3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.3. (a) An
26 ordinance that establishes a historic preservation commission under
27 section 4 **or 4.5** of this chapter may authorize the staff of the
28 commission, on behalf of the commission, to grant or deny a
29 application for a certificate of appropriateness.

30 (b) An ordinance adopted under this section must specify the types
31 of applications that the staff of the commission is authorized to grant
32 or deny. The staff may not be authorized to grant or deny an application
33 for a certificate of appropriateness for the following:

- 34 (1) The demolition of a building.
- 35 (2) The moving of a building.
- 36 (3) The construction of an addition to a building.
- 37 (4) The construction of a new building.

38 SECTION 156. IC 36-7-11-4.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies**
41 **to the following towns located in a county having a population of**
42 **more than nineteen thousand three hundred (19,300) but less than**
43 **twenty thousand (20,000):**

- 44 (1) A town having a population of more than one thousand
- 45 five hundred (1,500) but less than two thousand two hundred
- 46 (2,200).
- 47 (2) A town having a population of less than one thousand five

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hundred (1,500).
(b) The towns described in subsection (a) may enter into an interlocal agreement under IC 36-1-7 to establish a joint historic district under this chapter. An ordinance entering into the interlocal agreement must provide for the following membership of a joint historic preservation commission to administer the joint historic district:

- (1) A member of the town council of a town described in subsection (a)(1).
- (2) A member of the town council of a town described in subsection (a)(2).
- (3) The owner of a historic resort hotel located in a town described in subsection (a)(1) or the owner's designee.
- (4) The owner of a historic resort hotel located in a town described in subsection (a)(2) or the owner's designee.
- (5) An individual appointed by the Historic Landmarks Foundation of Indiana.
- (6) An individual who resides in the county described in subsection (a) appointed by the town council of a town described in subsection (a)(1).
- (7) An individual who resides in the county described in subsection (a) appointed by the town council of a town described in subsection (a)(2).

The members described in subdivisions (1) and (2) shall be appointed by the town councils of the respective towns.

(c) A member of the commission described in subsection (b)(1) or (b)(2) shall serve for the duration of the member's term of office on the town council. The members described in subsection (b)(5) through (b)(7) shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) The ordinance may provide qualifications for members of the commission described in subsection (b)(6) and (b)(7). In addition, the members appointed under subsection (b)(6) and (b)(7) must be residents of the county that are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(e) Each member of the commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the

- 1 **duties of the member's office according to Indiana law and**
- 2 **rules adopted under Indiana law.**
- 3 **(2) Provide a bond to the state that:**
- 4 **(A) is approved by the Indiana gaming commission;**
- 5 **(B) is for twenty-five thousand dollars (\$25,000); and**
- 6 **(C) is, after being executed and approved, recorded in the**
- 7 **office of the secretary of state.**
- 8 **(f) The ordinance may:**
- 9 **(1) designate an officer or employee of a town described in**
- 10 **subsection (a) to act as administrator;**
- 11 **(2) permit the commission to appoint an administrator who**
- 12 **shall serve without compensation except reasonable expenses**
- 13 **incurred in the performance of the administrator's duties; or**
- 14 **(3) provide that the commission act without the services of an**
- 15 **administrator.**
- 16 **(g) Members of the commission shall serve without**
- 17 **compensation except for reasonable expenses incurred in the**
- 18 **performance of their duties.**
- 19 **(h) The commission shall elect from its membership a**
- 20 **chairperson and vice chairperson, who shall serve for one (1) year**
- 21 **and may be reelected.**
- 22 **(i) The commission shall adopt rules consistent with this chapter**
- 23 **for the transaction of its business. The rules must include the time**
- 24 **and place of regular meetings and a procedure for the calling of**
- 25 **special meetings. All meetings of the commission must be open to**
- 26 **the public, and a public record of the commission's resolutions,**
- 27 **proceedings, and actions must be kept. If the commission has an**
- 28 **administrator, the administrator shall act as the commission's**
- 29 **secretary. If the commission does not have an administrator, the**
- 30 **commission shall elect a secretary from its membership.**
- 31 **(j) The commission shall hold regular meetings, at least**
- 32 **monthly, except when it has no business pending.**
- 33 **(k) A decision of the commission is subject to judicial review**
- 34 **under IC 4-21.5-5 as if it were a decision of a state agency.**
- 35 **(l) Money acquired by the historic preservation commission:**
- 36 **(1) is subject to the laws concerning the deposit and**
- 37 **safekeeping of public money; and**
- 38 **(2) must be deposited under the advisory supervision of the**
- 39 **state board of finance in the same way and manner, at the**
- 40 **same rate of interest, and under the same restrictions as other**
- 41 **state money.**
- 42 **(m) The money of the historic preservation commission and the**
- 43 **accounts of each officer, employee, or other person entrusted by**
- 44 **law with the raising, disposition, or expenditure of the money or**
- 45 **part of the money are subject to the following:**
- 46 **(1) Examination by the state board of accounts.**
- 47 **(2) The same penalties and the same provision for publicity**
- 48 **that are provided by law for state money and state officers.**

1 SECTION 157. IC 36-7-11-4.6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. An ordinance
 3 that establishes a historic preservation commission under section 4 or
 4 **4.5** of this chapter may:

5 (1) authorize the commission to:

6 (A) acquire by purchase, gift, grant, bequest, devise, or lease
 7 any real or personal property, including easements, that is
 8 appropriate for carrying out the purposes of the commission;

9 (B) hold title to real and personal property; and

10 (C) sell, lease, rent, or otherwise dispose of real and personal
 11 property at a public or private sale on the terms and conditions
 12 that the commission considers best; and

13 (2) establish procedures that the commission must follow in
 14 acquiring and disposing of property.

15 SECTION 158. IC 36-7-11-23 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) This section applies to
 18 a historic preservation commission established by section 4.5 of this
 19 chapter.**

20 **(b) In addition to the commission's other duties set forth in this
 21 chapter, the commission shall do the following:**

22 **(1) Designate a fiscal agent who must be the fiscal officer of
 23 one (1) of the towns described in section 4.5(a) of this chapter.**

24 **(2) Employ professional staff to assist the commission in
 25 carrying out its duties under this section.**

26 **(3) Engage consultants, attorneys, accountants, and other
 27 professionals necessary to carry out the commission's duties
 28 under this section.**

29 **(4) Own the riverboat license described in IC 4-33-6-1(a)(6).**

30 **(5) Develop requests for proposals for persons interested in
 31 operating and managing the riverboat authorized under
 32 IC 4-33 on behalf of the commission as the riverboat's
 33 licensed operating agent.**

34 **(6) Recommend a person to the Indiana gaming commission
 35 that the historic preservation commission believes will:**

36 **(A) promote the most economic development in the area
 37 surrounding the historic district;**

38 **(B) best meet the criteria set forth in IC 4-33-6-4; and**

39 **(C) best serve the interests of the citizens of Indiana.**

40 **However, the gaming commission is not bound by the
 41 recommendation of the historic preservation commission.**

42 SECTION 159. IC 36-7-11-24 IS ADDED TO THE INDIANA
 43 CODE AS A NEW SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE UPON PASSAGE]: **Sec. 24. (a) This section applies to
 45 a historic preservation commission established by section 4.5 of this
 46 chapter.**

47 **(b) In addition to the commission's other powers set forth in this**

1 chapter, the commission may do the following:

2 (1) Enter contracts to carry out the commission's duties under
3 section 23 of this chapter, including contracts for the
4 construction, maintenance, operation, and management of a
5 riverboat to be operated in the historic district under IC 4-33.

6 (2) Provide recommendations to the Indiana gaming
7 commission concerning the operation and management of a
8 riverboat to be operated in the historic district under IC 4-33.

9 (c) This section may not be construed to limit the powers of the
10 Indiana gaming commission with respect to the administration and
11 regulation of riverboat gaming under IC 4-33.

12 SECTION 160. IC 36-7-11.4 IS ADDED TO THE INDIANA
13 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]:

15 **Chapter 11.4. Community Trust Fund**

16 **Sec. 1. This section applies to a historic district established by
17 IC 36-7-11-4.5.**

18 **Sec. 2. As used in this chapter, "fund" refers to the community
19 trust fund established by section 4 of this chapter.**

20 **Sec. 3. As used in this chapter, "historic preservation
21 commission" refers to the historic preservation commission
22 described in IC 36-7-11-4.5.**

23 **Sec. 4. (a) The community trust fund is established.**

24 **(b) The fund consists of the following:**

25 (1) Money disbursed from the historic preservation
26 commission.

27 (2) Donations.

28 (3) Interest and dividends on assets of the fund.

29 (4) Money transferred to the fund from other funds.

30 (5) Money from any other source.

31 **Sec. 5. (a) The historic preservation commission shall manage
32 and develop the fund and the assets of the fund.**

33 **(b) The historic preservation commission shall do the following:**

34 (1) Establish a policy for the investment of the fund's assets.

35 (2) Perform other tasks consistent with prudent management
36 and development of the fund.

37 **Sec. 6. (a) Subject to the investment policy of the historic
38 preservation commission, the fiscal agent appointed by the historic
39 preservation commission shall administer the fund and invest the
40 money in the fund.**

41 **(b) The expenses of administering the fund and implementing
42 this chapter shall be paid from the fund.**

43 **(c) Money in the fund that is not currently needed to meet the
44 obligations of the fund may be invested in the same manner as
45 other public funds are invested. Interest that accrues from these
46 investments shall be deposited in the fund.**

47 **(d) Money in the fund at the end of a state fiscal year does not
48 revert to the state general fund.**

1 **Sec. 7. (a) The historic preservation commission has the sole**
2 **authority to allocate money from the fund for the following**
3 **purposes:**
4 **(1) The preservation, restoration, maintenance, operation,**
5 **and development of a historic resort hotel located in a town**
6 **described in IC 36-7-11-4.5(a)(1).**
7 **(2) The preservation, restoration, maintenance, operation,**
8 **and development of a historic resort hotel located in a town**
9 **described in IC 36-7-11-4.5(a)(2).**
10 **(3) Infrastructure projects and other related improvements in**
11 **the surrounding community.**
12 **(b) Money allocated under subsection (a)(1) and (a)(2) must be**
13 **divided equally between the historic resort hotels described in**
14 **subsection (a).**
15 **Sec. 8. The historic preservation commission shall prepare an**
16 **annual report concerning the fund and submit the report to the**
17 **legislative council before October 1 of each year. The report is a**
18 **public record."**
19 Page 222, between lines 17 and 18, begin a new paragraph and
20 insert:
21 "SECTION 172. THE FOLLOWING ARE REPEALED
22 [EFFECTIVE UPON PASSAGE]: IC 4-33-4-19; IC 4-33-15."
23 Renumber all SECTIONS consecutively.
24 (Reference is to EHB 1001(ss) as printed June 13, 2002.)

Senator HUME